

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re)
CITY OF DETROIT,) Chapter 9
MICHIGAN) Case No.: 13-53846
Debtor.) Hon. Steven W. Rhodes
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)

**THE CITY OF DETROIT'S OBJECTION TO JERRY FRANKS'
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A
BANKRUPTCY CASE (OR ADVERSARY PROCEEDINGS)**

Pursuant to Federal Rule of Civil Procedure 45, as made applicable to this proceeding by the Federal Rules of Bankruptcy Procedure Rules 7026, 7034, 9014, and 9016, the City of Detroit hereby submits the following objection to Jerry Franks' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (Or Adversary Proceedings) served on Katherine Warren, Glenn Bowen, and Kevyn Orr (Dkts. 5526, 5527, and 5528).

ARGUMENT

Rule 45 mandates that a subpoena must give the party it is directed toward a reasonable amount of time to comply with its request, or else be subject to a motion to quash or modify the subpoena. F. R. CIV. P. 45(d)(3)(A)(i).

Mr. Franks filed three subpoenas on June 23, 2014. Two of the subpoenas were directed at actuaries from Milliman (Glenn Bowen and Katherine Warren) and the third was directed to Kevyn Orr, the City's Emergency Manager. Each subpoena sought "Jerry Q. Franks individual Police & Fire Retirement System Claim Calculations prepared by Milliman, Inc." and each contained a response date of July 2, 2014. Mr. Franks served each subpoena by mail to each recipient.

The City, assisted by Milliman, will respond to Mr. Franks' request. The City objects, however, on the grounds that the deadline to respond is unreasonable. The persons at Milliman who can respond to Mr. Franks' request have been preparing for depositions. That is now complete, and Milliman is currently compiling the information Mr. Franks seeks. The City will respond Mr. Franks' subpoena request on or before July 9, 2014.

Dated: July 2, 2014

Respectfully submitted,
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**ATTORNEYS FOR THE
CITY OF DETROIT**

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2014, I caused the foregoing *City Of Detroit's Objection To Jerry Franks' Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection Of Premises In A Bankruptcy Case (Or Adversary Proceedings)* to be electronically filed with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel registered to receive notice in this adversary proceeding; and to be served on Jerry Franks via U.S. mail, postage pre-paid, at: 3946 Chalmers, Detroit, MI 48215.

/s/ Deborah Kovsky-Apap
Deborah Kovsky-Apap (P68258)